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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,476	02/14/2000	Hiroshi Tojo	862.C1824	6656

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EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

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DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/503,476

Applicant(s)

TOJO, HIROSHI

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5-9,11,14-18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,5-9,11,14-18,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2613

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 6-7, 15-16, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 5-9, 11, 14-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al. (US 2002/0012521 A1) in view of Saito (US 6,608,964 B1).

Re claims 6, 7, 15, 20 and 21, Nagasaka teaches an image processing apparatus and its method comprising: frame extraction means (106 of fig. 2) for extracting frames constituting an entered moving picture/image from a input unit for queried image (100, 102 of fig. 2). Nagasaka further means (110, 112, 114 of fig. 2) for retrieving an image that corresponds to a scene that is the object of a search (in the figure 3 of Nagasaka, SEGMENT NUMBER, FEATURE and FRAME NUMBER are retrieved by the retrieving means (112 of fig. 2), see also [0034] of page 3); comparison means (130 of fig. 2) for comparing a scene-change frame, which is obtained by referring to the scene-change information that has been stored in said storage images and the image that has been retrieved by retrieving means; scene extraction means (figs. 4 and 5); scene

Art Unit: 2613

extraction means (122 of fig. 2) for extracting a scene that corresponds to the image based upon the result of the comparison by said comparison, see also the figure 3 of Nakasaga. Moreover, Nagasaka suggests the keyboard (4 of fig. 1) would be used as means for designating a time length of a number of scenes ([0036], page 3, 30 frame images per second).

It is noted that Nagasaka et al. does not particularly teach designation means is capable of designating a number of scenes to be extracted as claimed. However, Saito teaches an editing device that comprises designation means is capable of designating a number of scenes to be extracted (53, 54, and 55 of fig. 2, e.g. a user can select (the amount designated by the keyboard) to display the pictures of fifteen frames as the extracted pictures 13 themselves, and 15 frames extraction time is 0.5 second, see figs. 3-6, col. 6, line 49 through col.7, line 19).

Therefore, taking the teachings of Nagasaka and Saito as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the designating means (53, 54, 55 of fig. 2) of Saito into the system of Sagasaka for the same purpose of designating/selecting the number of scenes with the time in seconds to be extracted. Doing so would provide an editing process can be performed more efficiently as suggested by Saito (col. 1, lines 56-61).

Since the combination of Nagasaka and Saito teaches all limitations above, the limitations would obviously be programmed with a code on a computer-readable memory using a computer system as taught by Nagasaka (fig. 1) and Saito (CPU 40 of fig. 2).

Re claim 2, Nagasaka further discloses a computation in the comparison (fig. 6) for computing degree of similarity between the scene-change frame and the image that has been

Art Unit: 2613

designated by said designation means (fig. 10A); based upon the calculation the scene extraction means extracts the scene corresponding to said image then outputting scene information relating to scenes that have been extracted (fig. 3); where an editing means (fig. 16) for editing the extracted frame [0053] to [0055].

Re claims 5, 8, and 9, Nagasaka further teaches the designation means designates: a pattern image, SEGMENT NUMBER (fig. 3) that corresponds to any of leading, intermediate or final frame of a scene that is the object of a search (fig. 17); the time of a scene to be extracted (t1-tn) (804 of fig. 17); a number of scenes (NUMBER OF FRAME, NUMBER OF CANDIDATES); time of a scene to be extracted (fig. 11) of frames prior, frames on, and after frame.

Re claims 11, 14, and 16-18, the method claims are unpatentable over the combination of Nagasaka and Inoue for the same reasons above, see analysis in claims 2, 5-9, and 15.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katoh et al. (US 6,323,887 B1) discloses picture display unit and picture display system, and moving picture retrieving system.

Art Unit: 2613

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



**TUNG T. VO
PATENT EXAMINER**

Tung T. Vo
Examiner
Art Unit 2613

T.Vo